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SECRETARY, BOARD OF
OIL, GAS & MINING

BEFORE THE BOARD OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH

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IN THE MATTER OF THE PETITION	:	MOTION AND MEMORANDUM
FILED BY THE DIVISION OF OIL,	:	IN SUPPORT OF REQUEST FOR
GAS AND MINING FOR AN ORDER	:	CONTINUANCE
REQUIRING IMMEDIATE		
RECLAMATION OF THE DRUM	:	DOCKET NO. 97-009
MINE, FROM WESTERN STATES	:	CAUSE NO. M/027/007
MINERALS CORPORATION AND	:	
JUMBO MINING COMPANY,	:	
MILLARD COUNTY, UTAH.	:	

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The Division of Oil, Gas and Mining ("the Division") by and through its counsel, moves the Board of Oil, Gas and Mining (the "Board") pursuant to *Utah Admin. Code* R641-100-300 for a continuance of the October 22, 1997 hearing on Docket No. 97-009 to the January 28, 1998 Board Hearing, and grant other modifications of the STIPULATION, MOTION AND ORDER FOR SECOND AMENDMENT TO PRE-HEARING SCHEDULING AND DISCOVERY ORDER, granted July 2, 1997, as the Board feels necessary after hearing the parties on this motion.

The grounds for this motion are:

1. As a result of a review of the Drum Mine permit, authorized by R647-4-102, the Division has found that Drum Mine is inadequately bonded in violation of R647-4-113. The Division will notify Western States Minerals Corporation ("Western") and Jumbo Mining Corporation ("JMC") of the need to post additional bond. Failure to post adequate surety is

a violation of Utah Code Ann. § 40-8-16(b) and will result in an action by the Division to withdraw the permit for the mine and order immediate reclamation. Consequently, the amount of surety issue has the potential to affect the issue of whether JMC and Western should be ordered to reclaim. The parties should be given the opportunity to address the surety issue prior to the hearing on R647-4-117 compliance and join this issue and the prior action in one hearing before the Board.

2. One of Western's attorneys, Michael Keller has informed the Division that two of Western's key witnesses will not be available for the October 22, 1997, Board Hearing. Further it appears no party has begun or noticed any depositions in this matter. Therefore, none of the parties will be prejudiced.

DATED this 12th day of September, 1997.

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CERTIFICATE OF SERVICE

I hereby certify that I mailed, postage prepaid, a true and correct copy of the foregoing MOTION AND MEMORANDUM IN SUPPORT OF REQUEST FOR CONTINUANCE for Docket No. 97-009 this 12th day of September 1997, to the following:

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